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Philippe Ziade, Jude Nassar, Appleton  
Properties, LLC, Z Leb Group, LLC,  
Progressive Construction, Inc., Growth  
Development, LLC, Vibrant Realty, LLC,  
AJ Properties International, LLC, AJ Properties  
International Series 2, LLC, Growth Holdings,  
LLC, Growth Luxury Homes, LLC, and  
Growth Luxury Realty, LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Nikkei Global Inc., a California corporation,

Plaintiff,

vs.

Co-Partner Consortium ("Partner-CO"), a  
Nevada general partnership associated in fact  
and as an enterprise per 18 USCA § 1961(3);  
Mr. Phillip Ziade, Nevada resident and co-  
partner; Mr. Jude E. Nassar, an individual  
resident of Clark County, Nevada; Appleton  
Properties, LLC, a Nevada limited liability  
company; Z Leb Group, LLC, a Nevada limited  
liability company; Progressive Construction,  
Inc. a/k/a Growth Construction, a Nevada  
corporation; Growth Development, LLC a/k/a  
Growth Construction, a Nevada limited liability  
company; Vibrant Realty, LLC, a Nevada  
limited liability company; AJ Properties  
International, LLC, a/k/a AJ1, a Nevada limited  
liability company; AJ Properties International  
Series 2 LLC, a/k/a AJ2, a Nevada limited

Case No. 2:18-cv-02013-JCM-GWF

**STIPULATION AND ORDER TO  
WITHDRAW PENDING MOTION TO  
DISMISS [ECF 23] AND SCHEDULE  
RESPONSE DATE TO FIRST  
AMENDED COMPLAINT (ECF 39)**

**(First Request)**

liability company; Growth Holdings, a Nevada corporation; Growth Luxury Homes, LLC, a/k/a GLH, a Nevada limited liability company; Growth Luxury Realty, LLC, a/k/a GLR, a Nevada limited liability company; Mr. Yoshimi Hirooka, a resident of Japan or Singapore, doing business in Nevada; Mr. Yoshihiro Hirooka, a resident of Japan or Singapore doing business in Nevada; Hirooka Family Office, Ltd., a foreign organization doing business in Nevada,

Defendants.

Plaintiff Nikkei Global Inc. (“Nikkei”), and Defendants Philippe Ziade, Jude Nassar, Appleton Properties, LLC, Z Leb Group, LLC, Progressive Construction, Inc., Growth Development, LLC, Vibrant Realty, LLC, AJ Properties International, LLC, AJ Properties International Series 2, LLC, Growth Holdings, LLC, Growth Luxury Homes, LLC, and Growth Luxury Realty, LLC (collectively, “Growth”), by and through their respective counsel, stipulate and agree as follows:

1. On October 18, 2018, Nikkei filed its Complaint [ECF 1] (the “Complaint”);
2. On November 19, 2018, Growth accepted service of the Complaint.
3. On January 4, 2019, Growth filed a Motion to Dismiss the Complaint [ECF 23].
4. On January 25, 2019, Nikkei filed a First Amended Complaint [ECF 39], which is permitted one time as a matter of course. *See* Fed. R. Civ. P. 15(a)(1)(B).
5. Due to the filing of the First Amended Complaint, Growth and Nikkei stipulate and agree to withdraw the pending Motion to Dismiss [ECF 23] because it has been mooted, in part, by Nikkei’s filing of the First Amended Complaint. *See, e.g., Azizi v. Eldorado Resorts Corp.*, No. 2:15-cv-00755-RFB-PAL, 2016 WL 5867412, at \*1 n.1 (D. Nev. Oct. 5, 2016); *Akinola v. Severns*, No. 3:11-cv-00681-LRH-WGC, 2012 WL 2417759 at \*1 (D. Nev. June 26, 2012).
6. Growth and Nikkei have also agreed that Growth shall have up to and until March 8, 2019 to respond to the First Amended Complaint.

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7. This is the first stipulation to extend the deadline to file a response to the First Amended Complaint. This stipulation is made in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 5th day of February, 2019.

DATED this 5th day of February, 2019.

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

BAILEY ♦ KENNEDY

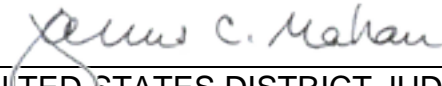
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*Attorneys for Growth*

*Attorneys for Plaintiff Nikkei Global Inc.*

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

DATED: February 11, 2019